

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

SHIRLEY BLACK, RENA MCCRAW,)	
And REBECCA MORRIS, Each)	
Individually and on Behalf of All Others)	
Similarly Situated)	
Plaintiffs,)	
)	
v.)	Case No. 4:18-cv-778-KGB
)	
DRIVELINE RETAIL)	
MERCHANDISING, INC.,)	
)	
Defendant.)	

**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT
AGAINST PLAINTIFF DEREK WARD**

Defendant Driveline Retail Merchandising, Inc. (“Driveline”), by and through its attorneys, Phillips Murrah, P.C. and Wright, Lindsey & Jennings, LLP, for its Motion for Summary Judgment Against Plaintiff Derek Ward, pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1, states:

1. Plaintiffs Shirley Black, Rena McCraw, Rebecca Morris, and Derek Ward filed this lawsuit against their former employer, alleging that Driveline violated the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*, and Arkansas Minimum Wage Act (“AMWA”), Ark. Code Ann. § 11-4-201, *et seq.*, on January 14, 2019. The lawsuit was originally filed by three former Driveline employees on October 19, 2018 and Mr. Ward joined the suit on January 14, 2019.

2. The pleadings, evidence obtained through discovery, sworn testimony taken in this case, and affidavits submitted contemporaneously with this Motion prove that no material facts are in dispute with respect to the issues raised in Plaintiff's Complaint. The exhibits attached hereto are submitted in support of this Motion:

a. **EXHIBIT 1** - Driveline Payroll Information Worksheet, Driveline (AR)_00136, Ex. 1 to Ward Deposition;

b. **EXHIBIT 2** – Driveline Payroll Records for Derek Ward, Ex. 1 to Bennett Declaration;

c. **EXHIBIT 3** – Deposition of Derek Ward

d. **EXHIBIT 4** – Derek Ward Answers to Responses to Defendant's First Set of Interrogatories and Requests for Production of Documents, Ex. 4 to Ward's Deposition.

e. **EXHIBIT 5** – Mr. Ward's payroll records showing separate columns for payments to compensate for drive time, mileage and printing costs.

f. **EXHIBIT 6** – Lori Bennett Declaration

g. **EXHIBIT 7** – Mr. Ward's Supplemental Disclosures

h. **EXHIBIT 8** – Mr. Ward's Second Supplemental Disclosures, Black000115.

i. **EXHIBIT 9** – Driveline Responses to Plaintiffs' Second Set of Discovery Requests

j. **EXHIBIT 10** – Mr. Ward's Initial Disclosures

3. A statement of material undisputed facts is filed pursuant to Local Rule 56.1 contemporaneously herewith and incorporated herein.

4. Defendant's Brief in Support of Motion for Summary Judgment Against Plaintiff Derek Ward, which sets forth additional fact and argument in support of its position, is filed contemporaneously herewith pursuant to Local Rule 7.2 and incorporated herein by reference.

5. Defendant's Brief in Support of Motion for Summary Judgment Against Plaintiff Derek Ward, affidavit, and other matters properly before the Court in this case show that Defendant is entitled to Summary Judgment in its favor as a matter of law.

WHEREFORE, for the reasons contained herein, Defendant's accompanying Brief, Statement of Undisputed Facts, and affidavit, Defendant respectfully requests that the Court grants Defendant's Motion for Summary Judgment Against Plaintiff Derek Ward, enter judgment in favor of Defendant and against Plaintiffs, and grant Defendant all other proper and just relief.

Respectfully submitted,

s/Lauren Barghols Hanna

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CERTIFICATE OF SERVICE

I, Lauren Barghols Hanna, do hereby certify that true and correct copy of the foregoing Motion for Summary Judgment Against Plaintiff Derek Ward has been filed this 24th day of February 2022, via the Court's CM/ECF system which delivers notice to counsel of record:

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